

FBI Planned To Intercept Panther Mail

1969 Memo Tells of Move To Distort Tape Recordings

By Robert Adams

© 1977, St. Louis Post-Dispatch

The Federal Bureau of Investigation made plans in 1969 to intercept and distort tape recordings mailed among members of the Black Panther Party, an internal FBI memo shows.

The memo, dated Nov. 13, 1969, appeared to raise for the first time the possibility that illegal mail-tampering was one of the techniques used by the FBI against black militants in the late 1960s.

The Senate Intelligence Committee reported last year that the FBI conducted several mail-opening operations between 1940 and 1966. J. Edgar Hoover, the late FBI director, purportedly stopped the operations in 1966 and later called them "clearly illegal."

But those operations, according to the Senate report, were directed primarily at suspected foreign agents.

The memo was among hundreds of internal FBI documents obtained by the Post-Dispatch through a request under the Freedom of Information Act. The documents shed new light on the FBI's controversial "Cointelpro," or counter-intelligence program. The program was designed to disrupt, harass and discredit black militant and New Left groups.

THE NEW DOCUMENTS also show that the FBI — at least in Illinois — carried out a plan to try to get truck drivers to boycott the Black Panther newspaper in late 1970 and early 1971. The newspaper was considered a major source of financial and political support for the Black Panthers, according to the documents.

The 1969 memo on the tape-recordings came from the files of the FBI office in Springfield, Ill. The name of the special agent who wrote the memo was blacked out in the copy given to the Post-Dispatch.

The memo made several references to "the Bureau." An FBI spokesman said that term, in FBI parlance, meant FBI headquarters in Washington.

The memo said the Bureau had obtained information indicating that

various Black Panther chapters were forwarding taped reports to Panther headquarters in San Francisco. The Panther headquarters was actually in nearby Oakland, California.

The use of tapes, the memo said, "suggests the counter-intelligence possibility of preparing and mailing tapes containing disruptive, erroneous information."

"ALSO UNDER CERTAIN circumstances it may be feasible to erase or distort those tapes making them valueless to the recipient."

To see if these things could be done, the memo said, "the Bureau has requested that we determine the following:

"1. If BPP branches in your territory are sending reports on tape to national headquarters or to other branches.

"2. If tapes are generally dictated by the same person, if so, who?

"3. The extent of use, that is, are tapes sent on a regular basis or sporadically. If regularly, are they sent out on a particular day of the week?

"4. Full description of tape utilized including brand, size, etc."

"5. Method of packaging, addressing and mailing. In this connection it would be helpful to know if protective packaging is utilized or whether regularly available commercial mailing carton is used.

See FBI, A-12

"6. Any other available information regarding the handling of these tapes."

THE MEMO WAS addressed to the special agent in charge in Springfield, but was apparently intended for distribution to FBI agents in other Illinois cities. It said agents who receive the memo should report whatever information they gathered so it could be given to FBI headquarters.

There was no indication in the documents as to whether the FBI carried out its plan to intercept and distort the tapes. Charles Garry, the San Francisco attorney who has represented the Panthers in several court cases, told the Post-Dispatch some tapes did end up missing.

"We attributed it to the bad mail service, or to somebody's having misaddressed them," Garry said. But he also said the Panthers suspected they were the targets of disruptive action of federal authorities.

"During that time, if you made accusations you were considered paranoid," Garry said. "But we knew there were things going on, although we couldn't always put our finger on it. I knew we were being hit from all sides."

GARRY SAID THE newly disclosed memo also raises the possibility that tapes involved in criminal investigations of the Panthers might have been altered. He said former Black Panther leader Bobby Seale — while listening to government-held tapes during pre-trial discovery proceedings in 1970 — had claimed some of the tapes were doctored.

Seale was then facing trial in New Haven, Conn., on charges growing out of the torture and murder of Alex Rackley, a Black Panther. The judge dismissed the charges against Seale after the trial ended with a hung jury.

"He was listening, and he'd say to me: 'I never said that. They've done something to that tape,'" Garry recalled. "Those are the kinds of things you wonder about." As it turned out, those particular tapes were not used as evidence at the trial.

John F. Shattuck, director of the Washington office of the American Civil Liberties Union, called the FBI memo "a shocking and disturbing example of a Cointelpro operation."

SHATTUCK NOTED that the Senate Intelligence Committee, in spite of its extensive investigation of FBI activities, said in its report that the mail-opening stopped in 1966.

"The fact that the committee apparently didn't get this document, and thought the cutoff point was earlier, is just another example of how easily the Bureau can evade congressional oversight," he said. "The FBI should be brought under very strict controls, limiting its activities to the investigation of crimes." The Senate panel is currently drafting a proposed charter for the FBI.

"The operation described here was clearly aimed at disrupting the Panthers' political activities," Shattuck said. "Not only was the FBI apparently going to open the mail — they were going to tamper with the tapes as well."

An FBI spokesman referred to Hoover's 1966 memo halting the FBI mail-openings. He said the agency's position was that such activity was assumed to have stopped then.

"Of course, our policy would be that we would never alter tapes in a criminal investigation," he said in reference to the Seale matter.

He noted that some of the charges against John J. Kearney, the former FBI supervisor in the New York office, involved the alleged illegal opening of mail. Kearney was indicted by a federal grand jury April 7 on charges that his agents had illegally opened mail and tapped phones in attempts to track down members of the radical Weather Underground. Kearney has pleaded not guilty.